

LARRY FLENOID,)
)
Movant,)
)
v.) No. 4:15CV1689 RWS
)
UNITED STATES OF AMERICA,)
)
Respondent,)

Flenoid believes that the Court recently modified the monetary penalty portion of his criminal judgment, which assessed a fine of \$1,963.36. *See United States v. Flenoid*, 4:03CR501 CDP. In 2011, Flenoid brought a § 2254 habeas petition in this Court, challenging the validity of his state court conviction for murder, kidnapping, assault, and armed criminal action. *Flenoid v. Koster*, 4:11CV330 CDP. After that case had been dismissed and fully appealed, Flenoid filed a motion for reimbursement of court fees that had been paid towards the criminal fine in his 2003 case. The Court denied the motion because the fees were

not related to his state habeas case. Flenoid believes that the denial of his motion was a modification of his criminal judgment. He is wrong. The denial of the motion in the state habeas case had no effect on how the fine is collected.

Flenoid's complaint really goes to the requirement that he pay the fine. He could have challenged the fine in his original § 2255 motion. As a result, this action is successive, and he is not entitled to relief.

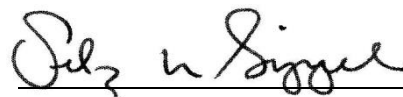
Finally, Flenoid has failed to demonstrate that jurists of reason would find it debatable whether he is entitled to relief. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that Larry Flenoid's motion for relief from judgment [ECF No. 4] is **DENIED** with prejudice.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

Dated this 2nd day of December, 2015.

A handwritten signature in dark ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE